

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re application of Valerie M. Bennett, et al.

Serial No.: 10/734,043

Filed: December 11, 2003

For: Intelligent Data Query Builder

Art Unit: 2166 Examiner: Usmaan Saeed

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request review of the Non-Final Rejection in the Office Action mailed June 2, 2009 in the above-identified Application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

/Marcia L. Doubet/

Date: August 22, 2009  
Correspondence Address: Cust. No. 43168  
P. O. Box 422859  
Kissimmee, FL 34742-2859

Marcia L. Doubet, Attorney for Applicants  
Registration Number 40,999  
Telephone 407-343-7586  
Fax 407-343-7587

## **GROUND OF REJECTION PRESENTED FOR REVIEW**

The **Ground of Rejection** presented for review is a rejection of Claims 1, 4, and 26 - 28 under 35 U. S. C. §103(a) as being unpatentable over U. S. Patent 7,139,766 to Thomson et al. (hereinafter, “Thomson”) in view of U. S. Patent 6,691,106 to Sathyaranayan.

## **ARGUMENT**

Applicants reserve the right to argue additional grounds if this Petition is denied.

Section 2143.03 of the MPEP, “All Claim Limitations Must Be Considered” (which is found within MPEP §2143, titled “Examples of Basic Requirements of a *Prima Facie* Case of Obviousness”), quotes *In re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970), which held that “*All words* in a claim must be considered in judging the patentability of that claim against the prior art.” (emphasis added). Applicants respectfully submit that all words of their claim language have not been properly considered, in violation of this requirement from MPEP §2143.03, as will now be demonstrated. In addition, Applicants respectfully submit that a *prima facie* case of obviousness under 35 U.S.C. §103 has not been made out because the cited references, whether taken singly or in combination, do not teach or suggest all the claim limitations.

Referring first to Applicants’ independent Claim 1, the carryover paragraph on pages 2 - 3 of Office Action states, with regard to the “lacks a query user interface” claim language recited in the preamble of Claim 1,

(See col. 17, lines 12 - 35 [of Thomson], wherein “lacks a query user interface” implies no data is available until the report is generated according to user’s query definition)

The meaning of this “no data is available ...” assertion from the Office Action is not entirely clear, and Applicants note that this text is not found in the cited lines of col. 17. However, Applicants

respectfully submit that the Office Action assertion fails to properly align Thomson's report to their recited "lacks a query user interface" because the "according to user's query definition" appears to imply that there is a query user interface – that is, if there is a report generated according to a user's query definition, then there would appear to be some *interface* where the user defined the query. Furthermore, with regard to the phrase "no data is available until the report is generated", Applicants respectfully note that Thomson has provided a definition of the word "report" in col. 5, lines 42 - 47. In particular, lines 42 - 44 of col. 5 state

"Report" refers to any document or other high level representation of data obtained from a database as a result of a query. (emphasis added)

In other words, Thomson explicitly states that the report is obtained as a result of a query, which appears to directly contradict the Office Action assertion that Thomson's report can somehow be aligned to "lacks a query user interface". Thomson therefore does not teach this claim language.

Applicants also note that the preamble of Claim 1 recites that it is a Web page that "lacks a query user interface". It is entirely unclear in the Office Action how Thomson's "report" is aligned to a Web page, and it therefore appears that the Office Action has failed to consider all of the words of Applicants' claim language, in violation of MPEP §2143.03.

Applicants also respectfully note that there are a number of statements in Thomson that refer to "existing query tools". See, for example, col. 7, lines 28 - 29 ("One preferred embodiment ... uses existing query tools ..."); col. 8, lines 19 - 20 ("Because UDS uses existing query tools and reports as the starting and end-points ..."); and col. 8, lines 26 - 29 ("... the target report is in no way different than if the user had created the report using the user interface of the target client query tools"). Thus, if Thomson uses "existing query tools", then it can be presumed that these query tools have an interface for defining a query. The Office Action fails to explain how this can

be aligned to their claim language that explicitly recites “lacks a query user interface”.

With regard to the “programmatically identifying, for each of the obtained query parameter names, at least one selectable query qualifier corresponding thereto ...”, as recited in Claim 1, the Office Action cites col. 17, lines 12 - 35 of Thomson. Office Action, page 3, lines 11 - 15. While the Office Action fails to explain how the cited text is supposedly aligned to their claim language, Applicants respectfully submit that there is no interpretation under which the cited text discloses a *selectable query qualifier* that corresponds to an obtained query parameter name, where this query parameter name was obtained by “using the programmatically-determined current context [of a user of a device] and at least one of the programmatically-determined content types [which are determined based on content values specified in a Web page] to consult a lookup component”, which is the antecedent for “obtained query parameter name”. Instead, the cited text describes Boolean logic conditions AND and OR. However, as is well known, this type of Boolean logic is used for comparing data values to one another, and it is not used when “comparing ... content values to [a] query parameter name”, in sharp contrast to Applicants’ claim language as recited in the “programmatically identifying ... selectable query qualifier ...” claim element. The cited text of Thomson therefore does not teach the “selectable query qualifier” claim language.

Applicants also respectfully disagree with the supposed motivation for combining Thomson with Sathyanarayan, which is presented on page 5, lines 16 - 19 of the Office Action. As stated therein, “it would have been obvious to one of ordinary skill in the art” to modify Thomson with Sathyanarayan “to include programmatically determining [a] user’s device location for better and more accurate rendering of display results and ease of data customization”. Applicants respectfully submit that this is unrelated to the claim language recited in Claim 1, which does not recite “rendering of display results” or “ease of data customization”.

Furthermore, Applicants respectfully submit that a combination of Sathyanarayan with Thomson would not yield their claimed invention. For the “programmatically determining a plurality of content values specified in the Web page” claim language from Claim 1 (emphasis added), the Office Action cites col. 5, lines 4 - 20 of Sathyanarayan. Office Action, page 5, lines 14 - 15. The cited text states “... collects the details about the Web pages (including its URL address, location name, title, top keywords from the Web page, links from the Web page)”. While the Office Action fails to explain how the cited text is being applied, suppose, *arguendo*, that “details about the Web pages” could be aligned to “content values specified in the Web page”. Applicants’ claim language further recites “programmatically determining, based on the specified content values [from the Web page], a plurality of content types corresponding thereto” (emphasis added). For this claim language, the Office Action cites Thomson, col. 5, lines 61 - 67 and col. 13, lines 28 - 41. Office Action, page 3, lines 3 - 5. However, what is described in the cited col. 5, lines 61 - 67 is “... a series of Object Oriented Objects about relational or table-based databases other than OLAP”, and the text in col. 13, lines 28 - 41 is discussing a user selecting cells, rows, and columns in a spreadsheet, or selecting labels, bars, or other items from a visual presentation of data. It is entirely unclear how Sathyanarayan’s “details about the Web pages” (apparently asserted as equivalent to Applicants’ “content values”) could have a corresponding type (i.e., “content types corresponding [to details about Web pages]”) that could be equated to *objects about databases and/or to cells/rows/columns of a spreadsheet and/or to labels/bars/etc. from a visual presentation*. For this reason also, Applicants respectfully submit that the Office Action has failed to consider all of the words of Claim 1, in violation of MPEP §2143.03.

In view of the above, Applicants respectfully submit that Claim 1 is patentable over the references. Independent Claims 27 and 28 recite claim language analogous to that of Claim 1, and

the arguments presented above therefore apply to those claims as well. Accordingly, Claims 27 and 28 are also deemed patentable over the references.

With regard to dependent Claim 4, the Office Action cites col. 13, lines 20 - 25 of Thomson and col. 9, lines 1 - 10 of Sathyaranayanan (Office Action, page 6, lines 3 - 7) as teaching the “programmatically identifying at least one query extension parameter ... using the programmatically-determined current context and at least one of the obtained query parameter names to consult a mapping, thereby obtaining a related query parameter name” claim language. However, the Office Action fails to indicate what part of the cited text is relied on, or how that text is being applied. The cited text of Thomson is discussing rows and columns of a bar graph, and the cited text of Sathyaranayanan is discussing a user profile. Where does the cited text disclose a mapping? Where does it disclose obtaining a related query parameter name? Applicants find no such disclosure in the cited text, and respectfully submit that the Office Action has failed to consider all of the words of Claim 4, in violation of MPEP §2143.03. Accordingly, Claim 4 is deemed patentable over the references.

Dependent Claim 26 is deemed patentable at least by virtue of the allowability of Claim 1 from which it depends.

In summary, Applicants respectfully request that the rejection in the Office Action be reversed by the appeal conference prior to the filing of an Appeal Brief.